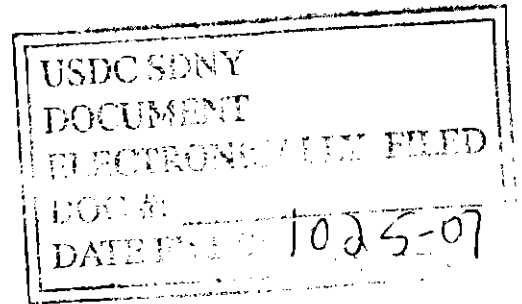


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X

WILEY BENNETT, et al.,

Plaintiffs,

07-CV-2823 (RPP)  
**PROPOSED ORDER**

-against-

*RPM*

MARTIN F. HORN, Commissioner of the  
New York City Department of Correctional  
Services, et al.,

Defendants.

-----X

Whereas inmates are guaranteed the right to adequate, effective and meaningful access to the courts under the Fourteenth Amendment, an essential component of which is the right of access to counsel;

Whereas privileged communication between attorney and client is necessary for effective representation;

Whereas the calls of inmates incarcerated in New York State are monitored pursuant to Department of Corrections directive;

Whereas unless an inmate is given access to a non-monitored phone line to communicate with his or her attorney, the attorney-client privilege is impaired; thereby unreasonably interfering with the inmate's constitutional right to access the courts;

Whereas Mr. Wiley Bennett is an inmate who filed the above-captioned case in the Southern District of New York, challenging the conditions of his confinement, while incarcerated at the Rikers Island North Infirmary Command;

Whereas Mr. Bennett was recently transferred to Five Points Correctional Facility in Romulus, New York, a facility approximately 250 miles from the court where the above-captioned case is currently pending;

Whereas Mr. Bennett's attorney Amy E. Howlett made a request with the Superintendent of the facility to schedule a non-monitored phone call with Mr. Bennett;

Whereas Ms. Howlett was informed by Mr. Bennett that the Superintendent denied the request and instructed Mr. Bennett that a court order would be necessary to schedule a non-monitored phone call between Mr. Bennett and Ms. Howlett;

Whereas the judiciary has the power to intervene in prison affairs when constitutional rights are at stake;

The Court hereby directs the Superintendent of Five Points Correctional Facility in Romulus, New York to schedule a non-monitored phone call between Mr. Bennett and Ms. Howlett for a period of no less than one (1) hour to take place at a time and in a manner that does not interfere with prison security concerns. The call is to be scheduled within two (2) days of the issuance of this order, and the call is to take place by the close of business on November 2, 2007.

SO ORDERED.

Dated: New York, New York  
October ~~25~~ 2007

A handwritten signature in black ink, appearing to read "Robert P. Patterson", written over a horizontal line.

Robert P. Patterson  
United States District Judge